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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92056574
Party	Defendant EI Group, LLC
Correspondence Address	JAMES C DUDA BULKEY RICHARDSON & GELINAS LLP 1500 MAIN STREET, SUITE 2700 SPRINGFIELD, MA 01115 5060 UNITED STATES jduda@bulkley.com, tm@bulkley.com, rfederici@bulkley.com
Submission	Answer
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Signature	/James C. Duda/
Date	04/22/2014
Attachments	Registrant's Answer to Amended Petition for Cancellation.pdf(189869 bytes)

3. Registrant admits that it filed for registration of the LOTUFF & CLEGG Mark with the U.S. Patent and Trademark Office on February 18, 2010, that the Serial No. for that filing was 77938595, and that the contents of that filing speak for themselves. Registrant further admits that the LOTUFF & CLEGG Mark was approved by the U.S. Patent and Trademark Office on November 9, 2010.
4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegation in Paragraph 4 of the Amended Petition regarding "USPTO Applications" Petitioner purports to own and therefore denies the same. Registrant otherwise denies the allegations in Paragraph 4.
5. Registrant denies the allegations set forth in Paragraph 5 of the Amended Petition.
6. Registrant denies the allegations set forth in Paragraph 6 of the Amended Petition.
7. Registrant admits that in 2009, it entered into a business relationship with Petitioner, and Registrant otherwise denies the allegations set forth in Paragraph 7 of the Amended Petition.
8. Registrant admits that contained within the LOTUFF & CLEGG Mark is the word "Clegg," and Registrant otherwise denies the allegations set forth in Paragraph 8 of the Amended Petition.
9. Registrant admits that it did not receive Frank Clegg's written consent to the registration of the LOTUFF & CLEGG Mark. Registrant otherwise denies the allegations set forth in Paragraph 9 of the Amended Petition.
10. Registrant incorporates by reference its answers to Paragraphs 1 through 9 above as if set forth fully herein.
11. Registrant denies the allegations set forth in Paragraph 11 of the Amended Petition.
12. Registrant admits that the website, www.lotuffclegg.com, is not currently active. Registrant further admits that the LOTUFF & CLEGG Mark is not used on the website, www.lotuffleather.com. Registrant otherwise denies the allegations set forth in Paragraph 12 of the Amended Petition.
13. Registrant denies the allegations set forth in Paragraph 13 of the Amended Petition.
14. Registrant incorporates by reference its answers to Paragraphs 1 through 13 above as if set forth fully herein.
15. Registrant denies the allegations set forth in Paragraph 15 of the Amended Petition.
16. Registrant denies the allegations set forth in Paragraph 16 of the Amended Petition.

17. Registrant denies the allegations set forth in Paragraph 17 of the Amended Petition.
18. Registrant denies the allegations set forth in Paragraph 18 of the Amended Petition.

AFFIRMATIVE DEFENSES

1. Petitioner has not and will not be damaged by the registration of the LOTUFF & CLEGG Mark and therefore lacks standing to petition to cancel the registration.
2. Petitioner further lacks standing to petition to cancel the registration because FRANK CLEGG and F. CLEGG, for which the Subject Applications seek registration, are primarily merely a surname which cannot be registered by the U.S. Patent and Trademark Office.
3. Petitioner is barred from seeking cancellation of the LOTUFF & CLEGG Mark under the doctrines of laches, estoppel, waiver, and/or unclean hands.
4. Petitioner is barred from seeking cancellation of the LOTUFF & CLEGG Mark under the doctrine of accord and satisfaction.
5. Petitioner is barred from seeking cancellation of the LOTUFF & CLEGG Mark because Petitioner, with full knowledge thereof, consented to and approved the registration of the LOTUFF & CLEGG Mark.
6. Petitioner has long acquiesced in, participated in, and profited from Registrant's adoption, registration, and use of the LOTUFF & CLEGG Mark.
7. Petitioner is barred from seeking cancellation of the LOTUFF & CLEGG Mark because, at the time of the filing of the application for registration of the LOTUFF & CLEGG Mark, Petitioner was not so well known that the public would assume an association between Petitioner and the LOTUFF & CLEGG Mark, and Petitioner was not publicly connected with the leather goods business.
8. Petitioner is barred from seeking cancellation of the LOTUFF & CLEGG Mark because Petitioner did not have priority of use over any mark involving the word "Clegg."
9. Petitioner is barred from seeking cancellation of the LOTUFF & CLEGG Mark because Registrant at all times acted reasonably and in good faith.
10. Petitioner made one or more material omissions to the TTAB by filing the Petition and the Amended Petition and failing to inform the TTAB that Petitioner has long acquiesced in, participated in, and profited from Registrant's adoption, registration, and use of LOTUFF & CLEGG Mark.

Wherefore, Registrant prays that the Cancellation be dismissed with prejudice.

Respectfully submitted,

El Group, LLC

By Its Attorney

/James C. Duda/

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Dated: April 22, 2014

CERTIFICATE OF SERVICE

I, James C. Duda, attorney for Registrant, El Group, LLC, hereby certify that a copy of the foregoing document, Registrant's Answer to Petition for Cancellation, was mailed via First Class U.S. Mail, postage prepaid, to the following on April 22, 2014.

Steven M. Weinberg

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/James C. Duda/

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